

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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NATALIA POZNIAK,

Petitioner,

— vs. —

VLADIMIR SHVARTSMAN,

Respondent.

Docket No.: 1:20-cv-02956-AMD-RML

EXPERT WITNESS DISCLOSURE

PLEASE TAKE NOTICE that respondent VLADIMIR SHVARTSMAN ("respondent"), pursuant to Rule 26(a)(2)(A) of the Federal Rules of Civil Procedure and pursuant to the directives of the Court on October 29, 2020, by his undersigned attorneys, hereby identifies Vera Kishinevsky, Ph. D. as an expert witness who is expected to present evidence under Federal Rules of Evidence 702, 703, and/or 705, and sets forth below the disclosures required by Rule 26(a)(2) of the Federal Rules of Civil Procedure:

Subject Matter of Testimony: Dr. Kishinevsky is expected to offer testimony regarding: her background, education, and experience; the documentation and literature associated with the scientific methods and medical standards relied upon by her in her practice as a psychologist and as used by her in her observations of the child; her care for the Child in the last six months; the

observations made by her during the child's visits to her office for family therapy; her observation of the Child's interaction with respondent and his stepmother in family therapy, the Child's observed emotional reactions when discussing: a) time spent with his mother and the several situations of his life with her when he was left alone for several hours due to Petitioner's unexplained absences; b) the Child's descriptions of Petitioner's angry outbursts, as well as lack of warmth, care and involvement in his life; c) the Child's desire to avoid telephone conversations with his mother when she called from Israel; d) the Child's desire to live permanently with his father e) his life with his father; f) the respondent's care for the Child; g) family events, visits to places of interest and interaction with his stepsisters. The expert psychologist will also specifically testify regarding: a) the Child's body language during his interaction with respondent and respondent's wife; b) the Child's inability to recall one pleasant or positive event in his life with petitioner; c) the Child's observed emotional reactions when discussing his recollection of his trips with respondent to Nevada, California, Egypt, Moscow, Germany and Eilat, robot building in a science museum and accompanying his father in organizing children's parties and other events; d) the Child's observed emotional reactions when discussing family events together with his father, stepmother and stepsisters and trick-or-treating and a Halloween party, apple picking, strawberry picking and summer camp he attended with his stepsister. Dr. Kishinevsky is expected to offer testimony regarding the conclusions drawn from her observations.

Summary of Facts/Opinions: Dr. Kishinevsky is expected to offer her professional scientific/medical opinion as to: a) the Child's benefit from continued stability and warmth of his father's family life and the continued development of a sense of safety, trust and inner comfort resulting therefrom which he was deprived of during his stay with petitioner; b) improvement of the Child's mental health due to gradual immersion in "normal" family life and continued

therapeutic support; the possibility that if returned to Petitioner, that the Child may suffer from emotional and behavioral stressors that are beyond his coping skills and may cause him significant mental health problems.

A copy of the expert report of August 8, 2020 is annexed hereto.

Respondent reserves the right to elicit testimony from any experts designated by any other party to this case.

Respondent reserves the right to supplement this designation as to additional experts and the information as to their testimony as allowed by the Court, statute or common law.

Respondent further reserves the right to designate such additional and/or rebuttal experts as necessary whose need cannot now be ascertained from the materials on file and exchanged by the parties.

Dated: December 2, 2020

FISHKIN, GURSHUMOV & NUSSBAUM, P.C.

By: /s/ Marcus Aurelius Nussbaum
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VERA KISHINEVSKY, Ph. D.

**New York State Licensed Psychologist
New York State Certified Bilingual School Psychologist**

275 Central Park West, Suite 1F,
New York, NY, 10024
646.852-7594

Professional Experience

August 2002 to present – **Private Practice**

Administer Psychoeducational Batteries to school-age children
Discuss findings with parents and make recommendations

Work with families involved in legal conflicts.
Testify in court as an expert witness in a variety of cases.
Provide Family Therapy and Parenting Training to families involved

September 2001 to present – **Adjunct Assistant Professor**

Teach Graduate courses:

Psychological Testing for Counselors
Developmental Psychopathology (includes Child Abuse recognition)
Multicultural Counseling
Autism-Spectrum Disorders
Advanced Psychological Testing

***Manhattan College
School of Education
4513 Manhattan College Parkway
Riverdale, N. Y. 10471
(718) 862-7957***

October 1999 to June 2014 – **School Psychologist**

Conducted psychological evaluations and presented the results at Educational Planning Conferences. Led a Crisis Prevention group for teachers and school support personnel. Provided consultation to teachers and administration on the ongoing basis.

*Norman Thomas High School
111 East 33rd Street and Park Avenue,
New York, New York, 10016
(212) 348-1694*

September 1998 to June 1999 – **Psychologist in Training**

*PS 171
103 Street & Madison Avenue,
New York, New York, 10038*

Participated in weekly Pupil-Personnel Committee meetings. Consulted with teachers as part of pre-referral support effort. Worked closely with other School-Based Support Team members in coordination of student evaluation and placement. Conducted psychological testing of pre-kindergarten, kindergarten and elementary school students (ages 4 through 10 years) and presented the results to parents. Led “Magic Circles” conflict resolution groups for first graders, consulted with teachers on as-needed basis. Conducted three individual therapy cases, worked closely with parents of these students. Participated in conflict resolution and conflict mediation programs.

September 1988 to June 1999 – **ESL teacher, dean**

Taught English as a Second Language. Worked with students suffering from various social and emotional stressors, such as family instability, domestic violence, and substance abuse. Worked with other teachers as team builder and coordinator, actively participated in mentoring of new teachers. Supported at-risk students. Worked with students’ parents assisting them in their adjustment to new circumstances. As an academy dean, was involved in conflict resolution, working closely with “problem students” and their parents, handled teachers’ referrals.

*George Washington High School
192 Street & Audubon Avenue,
New York, New York, 10040*

Education

New York University
School of Education
*239 Greene Street,
New York, New York, 10003
(212) 998-5367*

APA accredited Doctoral program in School Psychology. Ph. D. Degree awarded in March 2001.

1990 to 1991

Jersey City State College
Jersey City, New Jersey, 07305-1597

Master of Arts

Major: Urban Education, English as a Second Language

1994 to 2001

1970 to 1976

Odessa State University
Odessa, Ukraine

Master of Arts

Major: Russian Language and Literature

RESEARCH AND PUBLICATIONS:

Russian Immigrants in the United States, Adapting to American Culture, LFB Scholarly Publishing, LLC, New York, 2004

Russian Mothers and Daughters, Chapter in The Bridge: Dialogues Across Cultures (2005) T. Levine Bar-Yosef, Ed. Gestalt Institute Press, Metairie/New Orleans, LA

MEMBERSHIP

American Psychological Association,

Multicultural Psychology Division

AWARDS: Ted Bernstein Award for excellence in education

Letters of recommendation are available upon request

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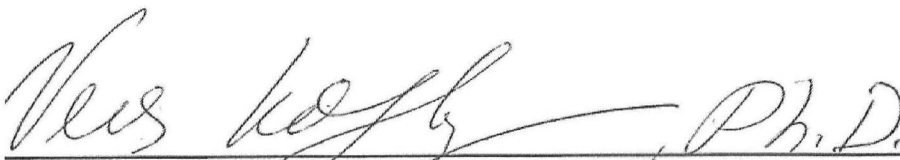
August 8, 2020

Sergei Shwartsman has been in my care for six months. He was observed in interaction with his father and his stepmother in family therapy and received several individual therapy sessions. During this time, he spoke about his stressful and chaotic life with his mother and described several situations of his life with her when he was left alone for several hours due to his mother's unexplained absences.

Sergei also described his mother's angry outbursts as well as lack of warmth, care and involvement in his life. He said, "She did not take me places; she forgot to buy me things she promised and then she yelled at me when I reminded her." Sergei teared several times when he spoke about his desire to avoid telephone conversations with his mother when she called from Israel. He stated multiple times in no uncertain terms that he wants to live permanently with his father, that his life with him is "So much better." He spoke about his father's caring for him and his efforts to make his life "normal, like other kids have" and described family events, visits to places of interest and interaction with his stepsisters in joyous tone. Sergei's body language during his interaction with his father and stepmother supported his verbal statements; he looked happy, relaxed and comfortable addressing them and asking them questions.

Sergei could not recall one pleasant or positive even in his life with his mother. He recalled with joy the following experiences he shared with his father: trips to Nevada, California, Egypt, Moscow, Germany and Eilat, robot building in a science museum and accompanying his father in organizing children's parties and other events. He spoke with joy about the following family events together with his father, stepmother and stepsisters: trick-or-treating and a Halloween party, apple picking and strawberry picking and summer camp he attended with his stepsister.

I strongly believe that Sergei Shwartsman will benefit from continued stability and warmth of his father's family life and will develop a sense of safety, trust and inner comfort he was deprived of during his stay with his mother. His mental health will improve due to gradual immersion in "normal" family life and continued therapeutic support. If he is returned to his mother, Sergei may suffer from emotional and behavioral stressors that are beyond his coping skills and may cause him significant mental health problems.



Vera Kishinevsky, Ph. D. New York Licensed Psychologist, License # 015193-1